

## REMARKS

### Status of the Claim

Claims 1-27 are pending and were rejected.

Claims 13-17, 20 and 21 have been rejected.

By this response, **claims 1, 9, 17, 19, 20, 21, 23 have been amended, and claims 2, 8, 18 have been cancelled.**

### Response to Examiner's Office Action.

#### Oath/Declaration

The Examiner requested that a new declaration be filed that claims the benefit of the prior application, 09/751,262 filed on 12/29/2000, now Patent No. 6,704,301. A new declaration is included with this response that claims the benefit of the prior application.

#### Drawings

The Examiner stated that Figures 2-4 should be designated as "prior art." Figures 2-4 are commonly included in the prior application 09/751,262, and have the benefit of the filing date of the prior application. Arguably, Figures 2 and 4 are prior art. Therefore, replacement Figure 2 and replacement Figure 4 have been included with this response. Figures 3A and 3B are not prior art because these figures include beacons that include server addresses within routes of the wireless networks.

#### Specification

The abstract has been reduced in length.

The "Related Patent Applications" section has been updated.

Claim objections:

Claims 1, 17, 23 were rejected because the Examiner stated that “a wireless mesh network” should be replaced, for example, with “a wireless network.” The Examiner’s suggested amendment has been made, but it should be clear that a tree network is merely *one* example of the networks illustrated in Figs. 3A and 3B. The term “wireless mesh network” has been replaced with “a wireless network”.

Claims 18, 19, 20, 23 were objected for formalities that have been corrected per suggestions by the Examiner.

Claims 1-27 were rejected under 35USC112 second paragraph. The Examiner stated that in claims 1, 17, 20 the limitation “receiving routing packets at the access node through at least one wireless route .... first selecting at least one of the wireless routes .... determining an optimal wireless based upon the first selected routes” is vague and indefinite, because it cannot be determined from the claim language as what the optimal wireless route would be determined based upon if only one wireless route is received in the receiving step and selecting in the first selecting step.

In claims 1, 17, 20, “determining an optimal wireless route based upon the first selected route” has been replaced with “determining an optimal wireless route based upon at least one of first selected route.” The claims as amended, account for the case where only one wireless route is received.

The Examiner rejected claims 1, 3-4, 6, 16, 17 under 35USC102(e) as being anticipated by Meier et al. (USPN 6,046,992).

The Examiner rejected claim 7 under 35USC 103(a) as being unpatentable over Meier et al. (USPN 6,046,992).

The Examiner rejected claim 5 under 35USC 103(a) as being unpatentable over Toh (USPN 5,987,011).

The Examiner stated that claims 2, 8-9, 10-15, 18-19, 21-22, and 24-27 would be allowable if rewritten to overcome the rejections under 35USC112, 2<sup>nd</sup> paragraph, set forth in the Office action and to include all of the limitations of the base claim and any intervening claims. The Examiner further stated that claims 20 and 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC 112, 2<sup>nd</sup> paragraph.

Claim 1 has been amended to include the features of old claim 2. Therefore, amended claim 1 should be allowed.

Claims 3-7, 9-16 are directly or indirectly dependent on claim 1. Therefore, claims 3-7, 9-16 should be allowed.

Claims 2, 8 have been deleted.

Claim 17 has been amended to include the features of old claim 18. Therefore, amended claim 17 should be allowed.

Claim 18 has been deleted.

Claim 19 is dependent upon claim 17. Therefore, claim 19 should be allowed.

Claims 20, 21, 22 have been amended to overcome the 35USC112, paragraph 2 rejections. Therefore, claims 20, 21, 22 should be allowed.

Claims 23, 24, 25, 26, 27 have been amended to overcome the 35USC112, paragraph 2 rejections. Therefore, claims 23, 24, 25, 26, 27 should be allowed.

No new matter has been added by these amendments.

### **CONCLUSION**

For the reasons given above, and after careful review of all the cited references, Applicant respectfully submits that none of the cited references, nor any combination of the cited references, will result in, teach or suggest Applicant's Claimed invention. But

even if any such combination might arguably result in such Claimed invention, it is submitted that such combination would be non-obvious and patentable.

In view of the above Amendments and Remarks, Applicant has addressed all issues raised in the Office Action dated September 29, 2004, and respectfully solicits a Notice of Allowance for Claims 1, 3-7, 9-17, 19-27. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

It is believed that all of the pending Claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending Claims (or other Claims) that have not been expressed. Finally nothing in this paper should be construed as an intent to concede any issue with regard to any Claim, except as specifically stated in this paper, and the amendment of any Claim does not necessarily signify concession of unpatentability of the Claim prior to its amendment.

Respectfully submitted,  
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